

Opening Statement
The Honorable Xavier Becerra, Ranking Member
Subcommittee on Social Security
February 3, 2012

Thank you, Mr. Chairman, for convening this hearing.

This Subcommittee has long been concerned about the problem of identity theft, where all too often it is the Social Security number which provides the key to committing the crime. For many years, we have worked on a bipartisan basis to examine and address identity theft. And, in a prior Congress, our Committee unanimously approved bi-partisan legislation designed to reign in the overuse of the Social Security number and to place limits on its widespread availability.

But today's hearing, I believe, will be one of our most compelling on this topic. In a few moments, we will hear from Jonathan Agin, who just last year lost his young daughter to a terrible cancer – and then was dealt another blow when his child's identity was stolen and used fraudulently to collect a tax refund.

No one should have to endure both the loss of a loved one and then the discovery that a heartless criminal has appropriated the deceased person's identity.

In the future, Mr. Chairman, I hope we can join with our colleagues on the Oversight Subcommittee to address the interrelated issues of identity theft and the administration of our tax laws, the latter of which is not within the jurisdiction of this Subcommittee.

Today's hearing will examine the use and availability of the so-called Death Master File, which is compiled by the Social Security Administration from the death records SSA obtains for the purpose of administering Social Security and SSI benefits. The File is made available for sale by the Department of Commerce to other public and private entities.

The reason this personal information is available for sale is because our nation's privacy protection laws, it turns out, only apply to living persons. In most cases, there are no protections for the identities and personal information of individuals who are deceased. As a result, SSA was compelled to make the Death Master File publicly available as a result of litigation in the late 1970s.

The data compiled in the File goes a long way in helping government agencies and private insurers, for example, to administer benefits, making sure that benefits do not continue after an individual's death. The File can also be used to detect and prevent fraud involving the identities of deceased persons. At the same time, that personal data is obviously getting into the wrong hands, too.

I know this Committee is committed to solving the problems surrounding the Death Master File. We need to keep the personal data of Americans -- living and deceased -- out of the hands of identity thieves. And, we should make sure there is a swift and stiff price to be paid for the transgression. Yet, somehow, fraud prevention tools must remain available to those who need them.

The challenge for this Subcommittee is crafting a solution that achieves that balance. I look forward to hearing from our witnesses about the extent of the problem, the challenges of shutting down fraud involving the identity of deceased persons, and possible solutions.